

DO NOT REMOVE
FROM THE FILE

THE EFFECTIVE DATE OF THIS ORDINANCE IS April 15, 2002

ORDINANCE NO. 02-07-303

An Ordinance to amend section 1-7-41 (b) to adopt the 2002 edition of the National Electrical Code and to add section 1-7-49 [Reserved] CIVIL ELECTRICAL INFRACTIONS.

Section 1-7-61 (b) is hereby amended and changed in the following respects:

Except as otherwise provided in this article, conformity of installations of electrical equipment with the regulations set forth in the National Electrical Code, [1996 Edition] **2002 EDITION**, published by the National Fire Protection Association, shall be prima facie evidence that such installations are reasonably safe to persons and property, and said National Electrical Code is hereby adopted and incorporated by reference in this chapter.

ADD PROPOSED TEXT:

SECTION 1-7-49 [Reserved] CIVIL ELECTRICAL INFRACTIONS.

- (a) PURSUANT TO CHAPTER 634 OF THE LAWS OF MARYLAND 1984, BEING SECTION 2-2-29 OF THE FREDERICK COUNTY CODE 1979, ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS ENTIRE CHAPTER, WHICH IS CHAPTER 1-7 ENTITLED "ELECTRICITY" IS A CIVIL INFRACTION AND SHALL BE CALLED A CIVIL ELECTRICAL INFRACTION. IF, AFTER INVESTIGATION, A CIVIL ELECTRICAL INFRACTION IS BELIEVED TO EXIST, THE FREDERICK COUNTY DIRECTOR OF PERMITS AND INSPECTIONS OR HIS AUTHORIZED AGENT SHALL DELIVER A CITATION OR WARNING TO THE LICENSED ELECTRICAL CONTRACTOR AND OTHERS RESPONSIBLE FOR THE INFRACTION. IF THE DIRECTOR OR HIS AUTHORIZED AGENT IS UNABLE TO LOCATE THAT INDIVIDUAL PERSONALLY, THE DIRECTOR OR HIS AUTHORIZED AGENT MAY POST THE CITATION OR WARNING IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE VIOLATION AND MAIL A COPY OF SAME TO THE PERSON, WHICH SHALL BE SUFFICIENT FOR DELIVERY UNDER THIS SECTION.

CAPITALS AND/OR UNDERLINING INDICATE MATTER ADDED TO
EXISTING LAW.

[Brackets] indicate matter deleted from the existing law.

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SANDRA K. DALTON

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(b) THE CITATION OR WARNING, AS PROVIDED FOR IN THIS SECTION, SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING:

- (1) THE NAME AND ADDRESS OF THE PERSON CHARGED OR WARNED;
- (2) THE NATURE OF THE VIOLATION;
- (3) THE LOCATION OF THE VIOLATION;
- (4) THE DATE (S) OF THE VIOLATION;
- (5) THE AMOUNT OR POTENTIAL AMOUNT OF FINE ASSESSED;
- (6) THE MANNER, LOCATION AND TIME IN WHICH THE FINE MAY BE PAID, OR VIOLATION CORRECTED, IF APPLICABLE;
- (7) THE PERSON'S RIGHT TO STAND TRIAL FOR THE VIOLATION IF APPLICABLE;
- (8) A CERTIFICATION BY THE DIRECTOR OR HIS AUTHORIZED AGENT ATTESTING TO THE TRUTH OF THE MATTERS SET FORTH.

(c) WHENEVER AN ALLEGED OR POSSIBLE CIVIL ELECTRICAL INFRACTION COMES TO THE ATTENTION OF THE DIRECTOR OF PERMITS AND INSPECTIONS, THE FOLLOWING PROCEDURES SHALL APPLY:

- (1) THE DIRECTOR OF PERMITS AND INSPECTIONS WILL INVESTIGATE WHETHER AN INFRACTION HAS OCCURRED;
- (2) IF THE DIRECTOR FINDS THAT AN INFRACTION HAS OCCURRED, HE/SHE WILL ISSUE A WARNING TO THE PERSON (S) RESPONSIBLE IN THE FORM AND MANNER OUTLINED IN THIS SECTION, WITH REASONABLE TIME STATED TO ABATE OR TO PREVENT FUTURE INFRACTIONS;
- (3) IF THE INFRACTION CONTINUES OR IS ALLOWED TO OCCUR AFTER THE REASONABLE TIME STATED, THE DIRECTOR WILL ISSUE A CITATION TO THE PERSON (S) RESPONSIBLE IN THE FORM AND MANNER AS OUTLINED IN THIS SECTION. NOTWITHSTANDING THE PROVISION OF STEP (2) ABOVE, THE DIRECTOR MAY ISSUE A CITATION AT STEP (2) WITHOUT PRIOR ISSUANCE OF A WARNING.

(d) A FINE OF TWO HUNDRED DOLLARS (\$ 200.00) IS HEREBY IMPOSED UPON ANY PERSON RESPONSIBLE FOR A CIVIL ELECTRICAL INFRACTION FOR EACH VIOLATION. EACH DAY SUCH VIOLATION IS PERMITTED TO EXIST SHALL BE CONSIDERED A SEPARATE INFRACTION. ALL FINES SHALL BE PAYABLE TO THE TREASURER OF FREDERICK COUNTY, MARYLAND, IN THE OFFICE OF THE DEPARTMENT OF PERMITS AND INSPECTIONS.

- (e) A PERSON WHO RECEIVES A CITATION MAY ELECT TO STAND TRIAL FOR THE OFFENSE BY FILING WITH THE DIRECTOR OF PERMITS AND INSPECTIONS A NOTICE OF INTENTION TO STAND TRIAL. THE NOTICE SHALL BE GIVEN AT LEAST TEN (10) DAYS AS BEFORE THE DATE OF PAYMENT OF THE FINES AS SET FORTH IN THE CITATION. UPON RECEIPT OF THE NOTICE OF INTENTION TO STAND TRIAL, THE DIRECTOR SHALL FORWARD TO THE DISTRICT COURT OF FREDERICK COUNTY, MARYLAND, A COPY OF THE CITATION AND THE NOTICE OF INTENTION TO STAND TRIAL. UPON RECEIPT OF THE CITATION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE. ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE DISTRICT COURT FOR ANY CIVIL ELECTRICAL INFRACTIONS SHALL BE REMITTED TO THE TREASURER OF FREDERICK COUNTY, MARYLAND.
- (f) IF A PERSON WHO RECEIVES A CITATION FOR AN INFRACTION FAILS TO PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND FAILS TO FILE A NOTICE OF INTENTION TO STAND TRIAL, A FORMAL NOTICE OF THE INFRACTION SHALL BE SENT TO THE PERSON'S LAST KNOWN ADDRESS. IF THE CITATION IS NOT SATISFIED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THE NOTICE, THE PERSON SHALL BE LIABLE FOR A FINE OF FOUR HUNDRED DOLLARS (\$400.00) FOR EACH INFRACTION. IF AFTER THIRTY-FIVE (35) DAYS THE CITATION IS NOT SATISFIED, THE DIRECTOR MAY REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT BY THE FILING OF CIVIL JUDGMENT PROCEDURES.
- (g) ADJUDICATION OF AN INFRACTION UNDER THIS SUBSECTION IS NOT A CRIMINAL CONVICTION, NOR DOES IT IMPOSE ANY CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.
- (h) IN A PROCEEDING BEFORE THE DISTRICT COURT, THE VIOLATION SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS IN ARTICLE 23A, SECTION 3 (B)(8) THROUGH (15) OF THE MARYLAND CODE. HOWEVER, THE COUNTY ATTORNEY IS HEREBY AUTHORIZED TO PROSECUTE ALL CIVIL ELECTRICAL INFRACTIONS UNDER THIS SECTION.
- (i) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE COMMITTED A CIVIL ELECTRICAL INFRACTION, THAT PERSON SHALL BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

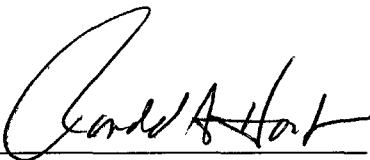
- (j) DEPENDING ON THE CIRCUMSTANCES OF EACH CASE AND AFTER CONSULTATION WITH THE COUNTY ATTORNEY, THE DIRECTOR OF PERMITS AND INSPECTIONS HAS THE DISCRETIONARY AUTHORITY TO REDUCE OR SUSPEND ALL OR A PORTION OF THE FINE PAYABLE THROUGH THE PERMITS AND INSPECTIONS OFFICE.
- (k) NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT OR PREVENT THE DIRECTOR OF PERMITS AND INSPECTIONS, OR ANY ONE ELSE, FROM SEEKING OTHER LEGAL REMEDIES, SUCH AS INJUNCTIONS OR CRIMINAL PROSECUTION.
- (l) PROVISIONS OF THIS SECTION ARE IN ADDITION TO, NOT IN LIEU OF THOSE PENALTIES SPECIFIED IN OTHER SECTIONS OF THIS CHAPTER, SPECIFICALLY SECTION 1- 7- 48.
- (m) THE FINES, SPECIFIED IN THIS SECTION CAN BE MODIFIED AT ANY TIME BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, AFTER A DULY ADVERTISED PUBLIC HEARING.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that this Ordinance shall take effect after a fair summary is published in the Frederick News Post and a copy is filed with the Clerk of the Circuit Court for Frederick County.

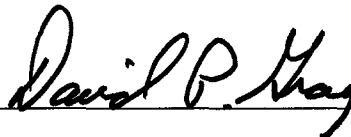
The undersigned hereby certifies that the foregoing Ordinance was approved and adopted on the 4th day of April, 2002.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart,
County Manager

By: 

David P. Gray,
President

MJC 4/9/02